

Remarks

Claims 11-20 and 25-27 are pending. Favorable reconsideration is respectfully requested.

The subject invention is directed to a very economical preparation of phosphate-containing organopolysiloxanes, by reacting a triorganophosphite with a chloromethylalkoxysilane followed by hydrolysis with alkoxysilanes. The process is rapid and does not involve the use of highly toxic phosphines or difficultly purifiable acid organophosphites. Claim 11 has been amended to recite the overall process, and to remove the word "alone". New claim 27 has been added to recite that the products include cyclic siloxanes (see the examples). Claims 25 and 26 are directed to elastomer compositions containing a phosphonate siloxane prepared by the process of claim 11. As indicated by Example 10, such elastomer compositions have excellent antistatic properties. Claim 15 has been amended to correct its dependency. Claims 12 and 21-24 have been cancelled. Withdrawal of the rejections of the claims under 35 U.S.C. § 112 is respectfully solicited.

Claims 11-13, 16, 18, and 21-24 have been rejected under 35 U.S.C. § 102(b) over *Fekete* U.S. 3,019,248. *Fekete* prepares compounds similar to Applicants' formula III by a process wherein at least one hydrogen or an alkali metal is bonded to phosphorus. Such compounds are expensive and generally toxic. It is perhaps for this reason that those skilled in the art are not known to use the process of *Fekete* (which issued more than 40 years ago). Applicants do not use these compounds, but instead employ $P(OR^4)_3$ compounds, containing no hydrogen or alkali metal bonded to phosphorus. Withdrawal of the rejection under 35 U.S.C. § 102(b) is solicited.

Claims 14, 15, 17 and 19-20 have been rejected over *Fekete* under 35 U.S.C. § 103(a). As *Fekete* does not disclose nor does he teach or suggest Applicant's process, withdrawal of this rejection is solicited.


Claims 21-24 have been rejected under the judicially created doctrine of obviousness type double patenting. These claims have been cancelled, and it is not believed that the rejection is extendable to claims 25 and 26. These claims require an elastomer component and a compound of the formula (I). It is noted that silicone resins are generally highly crosslinked solids, not, in general, elastomers. If the Office still believes a terminal disclaimer is necessary, Applicants are willing to submit one.

Applicants submit that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. If the Examiner believes that further discussion will advance the prosecution of the Application, the Examiner is highly encouraged to telephone Applicants' attorney at the number given below.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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